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AUG - 8 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

August 8, 1996

By Hand

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Local Multipoint Distribution Service
CC Docket No. 92-297

Dear Mr. Caton:

On behalf of CellularVision USA, Inc., enclosed please find an original and four (4) copies of an Opposition to a Request for Extension of Time filed by Sierra Digital Communications, Inc. in the above-referenced proceeding.

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Michael R. Gardner
Charles R. Milkis
Counsel for CellularVision USA, Inc.

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

AUG - 8 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Rulemaking to Amend Parts 1, 2, 21)
and 25 of the Commission's Rules to)
Redesignate the 27.5-29.5 GHz)
Frequency Band, to Reallocate the)
29.5-30.0 GHz Frequency Band, to)
Establish Rules and Policies for Local)
Multipoint Distribution Service and for)
Fixed Satellite Services)
_____)

CC Docket No. 92-297

OPPOSITION OF CELLULARVISION USA, INC.
TO REQUEST FOR EXTENSION OF TIME

CellularVision USA, Inc.¹ ("CellularVision") by its attorneys, hereby files an Opposition to a Request for Extension of Time filed by Sierra Digital Communications, Inc. ("Sierra") on August 6, 1996 in response to the Fourth Notice of Proposed Rulemaking ("Fourth NPRM") (FCC 96-311) adopted July 17, 1996 in the above-referenced proceeding.

CellularVision vigorously opposes Sierra's request for a 30-day extension of time for the filing of Comments and Reply Comments in response to the Fourth NPRM. CellularVision commenced its pioneering work to develop LMDS ten years ago, and as Sierra itself recognizes, the LMDS rulemaking proceeding has been ongoing for several years. Based on the protracted nature of the LMDS proceeding

¹ CellularVision USA, Inc. is publicly traded on the NASDAQ National Market under the symbol "CVUS."

leading to the July 17, 1996 adoption of the First Report and Order, the LMDS industry is desperate to see LMDS licensed and deployed nationwide, particularly in view of the competitive marketplace mandated by the Telecommunications Act of 1996 ("Telecom Act"). Both the Commission and interested parties have exhausted substantial resources during the numerous phases of the LMDS rulemaking proceeding, and further delay in the resolution of this proceeding and the nationwide licensing of LMDS could be damaging to the LMDS industry.

The issues raised by the Commission in the Fourth NPRM are fairly straightforward: the proposed allocation of 300 MHz from 31.0-31.3 MHz to LMDS, and the eligibility of local exchange carriers and cable operators to hold interests in LMDS licenses. As to the 31 GHz issue, all interested parties have proper notice of this proposal and therefore are in a position to file formal comments which are a necessary predicate for any shared or coordinated use of the 300 MHz of 31 GHz spectrum in question. CellularVision has only had a single, limited conversation with Sierra representatives and will continue to work in good faith with all interested parties about technically sound ways to maximize spectrum utilization both in the 28 GHz and the 31 GHz bands. However, an inconclusive preliminary discussion amongst a few parties does not provide the basis to delay the completion of a four-year-old rulemaking proceeding that, through the nationwide auctions of LMDS licenses, will result in the deployment of an entirely new, competitive, two-way video, telephony and data service to consumers throughout the United States.

Any further delay in the nationwide deployment of LMDS simply is

unacceptable and the comment period provided by the Commission is more than adequate to protect the interests of all parties. Moreover, consistent with the fundamental deregulatory and pro-competitive goals of the Telecom Act, the Commission must conduct auctions of LMDS licenses nationwide in this calendar year, so that this innovative two-way video, voice and data technology will be made available for immediate use as the communications marketplace is dramatically reshuffled.

Accordingly, under this set of unique circumstances, there is no basis for the Commission to extend the comment cycle in response to the Fourth NPRM, and CellularVision respectfully requests that the Commission deny Sierra's Request for Extension of Time.

Respectfully submitted,

CellularVision USA, Inc.

By: 

Michael R. Gardner
Charles R. Milkis
William J. Gildea, III

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Its Attorneys

August 8, 1996

Certificate of Service

I, Ryan J. McCumber, hereby certify that copies of the foregoing "Opposition of CellularVision USA, Inc. to Request for Extension of Time" were delivered by hand, on August 8, 1996, to the following:

Michele C. Farquhar
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

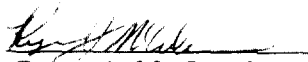
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Ryan J. McCumber